

January 28, 2011

To: Executive Board

Subject: **Federal Advocacy Services Contract**

Recommendation

Authorize the Executive Director to exercise both one-year options on Foothill Transit's Agreement No.08-008 with Baker, Donelson, Bearman, Caldwell & Berkowitz, to continue to provide federal advocacy services, from January 1, 2011, through December 31, 2012 at the rate of \$8,500 per month plus reimbursable expenses.

Analysis

On December 14, 2007, the Executive Board authorized award of a three-year contract with two one-year options to Baker, Donelson, Bearman, Caldwell & Berkowitz for the provision of federal advocacy services.

In January 1995, the Executive Board authorized staff to contract with Baker, Donelson to provide technical assistance to Foothill Transit in its pursuit of federal capital funds. This contract was extended annually through 1999, when a competitive procurement took place. After a lengthy procurement process, including interviews with various Washington D.C. firms, Baker Donelson was awarded a three-year contract. In October, 2002 the Executive Board authorized a sole source contract award to Baker, Donelson, to continue to provide federal advocacy services, from October 31, 2002 through December 31, 2005 including two one-year options. In 2007, another competitive procurement process took place including interviews with high level federal advocacy firms in Washington, D.C. Baker, Donelson was again awarded with a three year contract that included two one-year options.

Baker, Donelson continues to provide Foothill Transit with quality service because of the firm's understanding of Foothill Transit's operation and the relationships they have developed with our congressional delegation. In addition, they have a clear understanding of our specific federal funding requirements. Continuity in these services is especially important because of the number of major projects that Foothill Transit is undertaking.

Baker, Donelson has established relationships with congressional members and their staffs from California and with the leaders and staff of key congressional committees involved in both the appropriations and authorization processes. With authorization legislation, the Safe, Accountable, Flexible, and Efficient Transportation Equity Act - A Legacy for Users (SAFETEA-LU) on its sixth extension since the original authorization expired on September 30, 2009, it would be in Foothill Transit's best interest to maintain continuity with a proven advocate that would not be faced with a significant learning curve and the necessity of establishing contacts and good working relationships in Washington, D.C., during this critical legislative period under a brand new Congress. In large part due to the tireless efforts of the consultant, Foothill Transit was authorized to receive almost eight million dollars as part of



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SAFETEA-LU. Exercising both one-year options will allow Baker, Donelson to continue to provide its services in a quality manner without any interruption.

The 2011 and 2012 calendar years are expected to be busy ones for transit in Washington, D.C. with the House of Representatives again controlled by the Republican Party since 2007. Many Congressional leaders, particularly within the new Republican majority in the House, have indicated they will attempt to reduce the overall level of federal spending for FY 2011 to help reduce the federal budget deficit. Transportation and transit funding could be primary targets for funding reductions. Baker, Donelson's success in building significant relationships with members on both sides of the aisle will be critical to Foothill Transit's success on transit funding matters and important transit related legislation. Baker, Donelson will continue to be expected to ensure that federal legislators and administrators are aware of Foothill Transit's services and the needs of the organization to provide them.

Pursuant to Foothill Transit's procurement guidelines, the Executive Director intends to enter into both one-year options provided in agreement with Baker, Donelson, Bearman and Caldwell for the provision of federal advocacy services will be exercised.

Financial Impact

In 2011 and 2012, the monthly retainer would be \$8,500 plus reimbursable expenses. Funds for the recommended contract extension are provided for in the FY11 budget.

Sincerely,

David Reyno
Director of Government Relations

Doran J. Barnes
Executive Director